IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4445 OF 2004

Dr. Ganesh Chintaman Borade ... Applicant

versus

State of Maharashtra & ors. ... Respondents

...

Mr. S.G. Rajput, for the Applicant.

Mr. A.S. Gadkari, A.P.P., for the State.

Mr. Prakash Naik, for original complainant.

...

CORAM : A.M.KHANWILKAR,J.

26th October 2004

P.C.:

. Heard Counsel for the parties including the Advocate for the complainant. Perused the record. The learned A.P.P. fairly accepts that except the allegation made in the F.I.R., no statement or independent contemporaneous record is forthcoming to even remotely support the position stated in the F.I.R. that soon after the marriage, the Applicant started demanding sum of Rs. 5 lakhs as is stated in the F.I.R. On

the other hand, on considering the materials on record and the stand taken by the Applicant, it is seen that the relationship between the parties was strained and because of incompatible temperament, the present situation has reached. It is only now for the first time in June 2004, the F.I.R. discloses allegation about the demand of Rs.5 lakhs towards dowry. Taking overall view of the matter and having regard to the fact that the Applicant is a practising doctor, the Applicant deserves to be enlarged on anticipatory bail by imposing strict conditions. Hence the following order.

(a) The Applicant is enlarged on anticipatory bail in connection with CR. No. 270/2004 registered with Kandivli (West) Police Station on executing personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) with one or two local sureties in the like amount.

(b) The Applicant shall regularly report to the investigating officer initially once a week on Saturday between 10 a.m. to 1 p.m. and as and when required by

the investigating officer in connection with the investigation of the case.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant shall produce all the disputed ornaments in his possession before the investigating officer as and when called upon.

(e) The Applicant shall extend full co-operation for the investigation of the case.

. Application disposed of in the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)